

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

EMERALD CITY MANAGEMENT, L.L.C.	§	
and EMERALD CITY BAND, INC.	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. 4:14cv358
	§	
JORDAN KAHN and JORDAN KAHN	§	
MUSIC COMPANY, L.L.C.	§	
	§	
Defendants.	§	

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE AND
PRELIMINARY INJUNCTION ORDER**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On December 4, 2014, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiffs' Amended Second Application for a Preliminary Injunction (Dkt. 45) be GRANTED in part and DENIED in part and that Defendants' Motion for Sanctions (Dkt. 53) be DENIED.

The court has made a *de novo* review of the objections raised by Defendants (*see* Dkts. 71 & 73), as well Plaintiffs' responses thereto (*see* Dkts. 72 & 74), and is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit as to the ultimate findings of the Magistrate Judge. The court hereby adopts the findings and

conclusions of the Magistrate Judge as the findings and conclusions of this court.

Therefore, **IT IS ORDERED** that Plaintiffs' Amended Second Application for a Preliminary Injunction (**Dkt. 45**) is **GRANTED** in part and **DENIED** in part and Defendants' Motion for Sanctions (**Dkt. 53**) is **DENIED**.

IT IS HEREBY FURTHER ORDERED that Defendants shall transfer to Plaintiffs complete control of Downtown Fever's account on Facebook by providing Plaintiffs' counsel with the password and any other required materials to access and assume control of the account under an administrator status within five (5) days of the entry of this order.

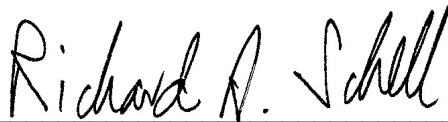
IT IS HEREBY FURTHER ORDERED that Defendants and their agents are enjoined from making any alterations to or accessing (for any purpose other than to transfer the control of the administrator status to Plaintiffs) Downtown Fever's Facebook account.

If this injunction is not entered, Plaintiffs will suffer irreparable harm in the Texas marketplace.

No additional bond is necessary given the bond already posted by Emerald City on June 25, 2014 in the amount of \$10,000.00, and all other injunctive relief requested by Plaintiffs is denied.

IT IS SO ORDERED.

SIGNED this the 31st day of March, 2015.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE